

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1651 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT JAL SAMPATTI VIKAS NIGAM TECHNICAL

Versus

STATE OF GUJARAT

Appearance:

MR RK MISHRA for Petitioners
MR HH PATEL for Respondent No. 1
MR PARESH UPADHYAY for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/08/1999

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner, by this Special Civil Application, is
praying for declaration that the employees listed in
annexure-A are entitled to be placed in the time scale
grade of Rs.1150-1500.

#. This declaration has been prayed on the ground that different time scale grades for one class of employees with the identical birth mark in a particular cadre cannot be prescribed.

#. This writ petition has been filed by the Gujarat Jal Sampatti Vikas Nigam Technical (Operator) Kamdar Union. The dispute which has been raised in this Special Civil Application is purely an industrial dispute and at the instance of a Union, it is difficult to entertain this Special Civil Application. The petitioners have efficacious alternative remedy available in this matter to raise industrial dispute.

#. Otherwise also, in such matters, where the petitioners are claiming parity in the pay-scale on the principle of 'equal pay for equal work', appropriate remedy is to raise industrial dispute and not this Special Civil Application under Article 226 of the Constitution of India.

#. In the result, this Special Civil Application fails and the same is dismissed. Rule discharge. Interim relief, if any, granted by this Court, stands vacated. No order as to costs.

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[sunil]